

### REMARKS

These Remarks are in reply to the final Office Action mailed March 7, 2003, as well as the restriction requirement mailed on October 2, 2003. Claims 1-8 and 19-27 are hereby amended, claims 28-30 have been added and no claims have been canceled, such that claims 1-30 are currently pending.

### Election Requirement

Claims 1-27 were subjected to a restriction requirement on the basis that the disc drive of claims 1-8 and 19-27 (Group I) were somehow patentably distinct from the "information handling system" of claims 9-18 (Group II). Applicant finds the notion that these devices are "subcombinations useable together" as alleged by the Office to be a bit surprising, to say the least, given that a disc drive is an information handling system.

Nonetheless, Applicant hereby elects Group II for further prosecution without traverse. Claims 1-8 and 19-27 have been amended to claim an information handling system as well, and Applicant requests that these claims, along with newly submitted claims 28-30, be examined along with claims 9-18.

### Rejection under 35 U.S.C. § 102

Claims 1-3, 8, 9, 15, 18-21 and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,046,889 to Berding et al. (hereinafter "Berding").

Claim 1 as amended recites an actuator assembly comprising "a main body having an ... opening" as well as "a portion of a voice coil motor positioned within the opening". The Office asserts that Berding meets this limitation as described therein from col. 4, line 66 to col. 5, line 8. In fact, Berding does not disclose a voice coil motor at all, but merely discloses magnets 400,402 for holding a knife-edge actuator pivot assembly together in no way are these magnets disclosed as exerting a motive force, much less being capable of doing so in combination with a voice coil of some sort. Because Berding's magnets 400,402 cannot reasonably be construed as forming "part of

a voice coil motor" as required by claim 1, it is respectfully requested that the rejection be withdrawn and claim 1 allowed.

Claims 2 and 3 depend from claim 1 and are allowable for at least this reason.

Claim 9 recites an information handling system comprising "a coil attached to [a] yoke," "an actuator assembly having an opening therein," and "at least two magnets positioned near the opening, the magnets and coil forming a voice coil motor". The Berding does not even disclose a coil, and the Office does not even address this critical omission. Because Berding cannot reasonably be construed as meeting the limitations set forth above, withdrawal of the rejection and allowance of claim 9 is respectfully requested.

Claims 15 and 18 depend from claim 9 and are allowable for at least this reason. Moreover, it is noted that claim 15 depends from claim 11, which was not addressed under this ground of rejection. If the Office insists upon maintaining the rejection of claim 15, a proper ground of rejection is respectfully requested.

Claim 19 recites "means for moving the actuator assembly, the moving means being attached to the actuator assembly." Berding does not disclose means for moving the actuator assembly. For at least this reason, withdrawal of this rejection and allowance of claim 19 is respectfully requested.

Claims 20, 21 and 23 depend from claim 19 and are allowable for at least this reason.

#### **Claim Rejections - 35 U.S.C. § 103**

Claims 4-7, 10-14, 22 and 24-27 were rejected under 35 U.S.C. § 103(a) as being obvious over Berding.

Claims 4-7 depend from claim 1 and are allowable for at least this reason, but are allowable for additional reasons as well. The Office acknowledges that Berding does not disclose "a coil," "substantially orthogonal to one another," "substantially circularly

oriented" or "arranged as a Halbach array" as required by claims 4, 5, 6 and 7 respectively. Rather than making a *bon fide* attempt to address the shortcomings however, the Office has effectively brushed them off by insisting that to so modify Berding would represent "obvious routine arrangement engineering choices in order to improve the rotation characteristics of the actuator assembly." Such a statement is simply not reasonable, given that Berding does not even disclose an arrangement for effecting movement of the actuator - the suggestion that providing Berding with the claimed structure is routine simply cannot be taken seriously. If the Office insists upon maintaining this absolutely groundless rejection, genuine treatment of these claim limitations is respectfully requested.

The rejections of claims 11, 12, 20, 22 and 24-27 are traversed for the same reasons as those set forth above with respect to claims 4-7.

The Office suggests that, despite the fact that Berding fails to even disclose a yoke, that to make such a yoke of the materials recited in claims 13 and 14 would have been obvious "to improve rotation characteristics" given that it is "within the general skill of a worker in the art to select a known material on the basis of its suitability." Again, Berding does not even disclose a yoke, nor has the Office made even the slightest effort to address this critical deficiency. If the Office insists upon maintaining this rejection, Applicant respectfully requests that a rationale be presented which can be taken seriously.

#### Newly Submitted Claims

Newly submitted claim 28 depends from claim 1 and is allowable for at least this reason.

Newly submitted claims 29 and 30 depend from claim 19 and are allowable for at least this reason.

Allowable Subject Matter

The Examiner is thanked for the indication that claims 16 and 17 include allowable subject matter. Because it is believed that claim 9 is allowable as filed, the claims have not been amended as proposed by the Examiner.

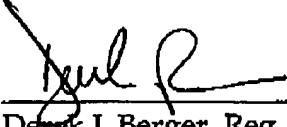
Conclusion

For reasons set forth above, Applicant respectfully asserts that present claims particularly point out and distinctly claim the subject matter which is regarded as the invention. In addition, the present invention as claimed is not taught by the prior art of record or any combination thereof. Therefore, it is respectfully submitted that the pending claims are in condition for allowance, and favorable action with respect to the present application is respectfully requested.

If the Examiner is not satisfied, but minor changes would apparently put the present case in condition for allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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(Assignee of the Entire Interest)

  
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